

Staff Summary Report



Council Meeting Date: 07/22/08

Agenda Item Number: _____

SUBJECT: Request approval of Job Order No. 4 with J. Banicki Construction, Inc., and a project contingency for roadway milling and rubberized asphalt overlay on Elliot Road between McClintock Drive and Price Road and Rural Road between Guadalupe Road and the Western Canal.

DOCUMENT NAME: 20080722PWDR06 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5409071

SUPPORTING DOCS: Yes.

COMMENTS: Total amount for Job Order No. 4 is \$693,299.34. The project contingency shall not exceed \$103,995.

PREPARED BY: Donna Rygiel, Engineering Contract Administrator (x8520)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8205)

LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (x8814)

FISCAL NOTE: Sufficient funds are available in Capital Improvement Fund No. 54.

RECOMMENDATION: Approve construction job order and project contingency.

ADDITIONAL INFO: The location for the work is Elliot Road between McClintock Road and Price Road and Rural Road between 150' south of Guadalupe Road to the Western Canal. The scope of work includes milling the roadway and overlaying it with rubberized asphalt.

The proposal from J. Banicki Construction, Inc. was reviewed by staff and found to be in order. J. Banicki is one of three contractors previously selected through a qualifications based process consistent with Ariz. Rev.Stat. § 34-601, *et seq.* for job order construction services.

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

JOB ORDER NO. 4 TO J. BANICKI CONSTRUCTION INC.
THROUGH EXISTING CONTRACT NO. C2007-221

ELLIOT ROAD ROADWAY MILLING AND RUBBERIZED ASPHALT OVERLAY
(MCCLINTOCK DRIVE TO PRICE ROAD)
AND
RURAL ROAD ROADWAY MILLING AND RUBBERIZED ASPHALT OVERLAY
(150 FEET SOUTH OF GUADALUPE ROAD TO THE WESTERN CANAL)

PROJECT NO. 5409071

This JOB ORDER No. 4 is entered into on this 22nd day of July, 2008, to J. Banicki Construction, Inc. ("**JOC CONTRACTOR**") through the existing Contract made and entered into by and between the parties on December 6, 2007, (Contract No. C2007-221).

ARTICLE I – DESCRIPTION OF WORK, CONTRACT PRICE: The JOC Contractor shall furnish any and all plant, materials, labor, construction equipment, services and transportation (all applicable taxes included) required for performing all work for the construction of the Elliot Road Roadway Milling and Rubberized Asphalt Overlay (McClintock Drive to Price Road) and Rural Road Roadway Milling and Rubberized Asphalt Overlay (150 feet south of Guadalupe Road to the Western Canal), Project No. 5409071 ("Project") for the sum of Six Hundred Ninety Three Thousand Two Hundred Ninety Nine Dollars and Thirty Four Cents (\$693,299.34), as detailed in the Proposal (Exhibit "A" attached hereto and incorporated herein by this reference). JOC Contactor shall complete and install the materials thereto, in a good and workmanlike and substantial manner and to the satisfaction of the City or its properly authorized agents, and strictly pursuant to and in conformity with the Specifications and Plans for the Project and other documents that may be requested by the City through the Engineer or other properly authorized agents, as provided herein. The full street or physical address of the construction work location ("Work Location") is Elliot Road from McClintock Drive to Price Road and Rural Road from 150' south of the intersection of Guadalupe Road and the Western Canal. The JOC Contractor shall list

the Work Location in any subcontract related to this job order at any level and each subcontractor shall likewise include the Work Location in any of its subcontracts.

ARTICLE II – REQUIRED SUBMITTALS: The JOC Contractor shall submit the completed forms referenced in the Forms Appendix (Exhibit “B”) to the City for approval, prior to receipt of a Notice to Proceed issued by the City for the Project.

ARTICLE III – AMENDMENT: This Job Order No. 4 is entered into pursuant to the City of Tempe Contract No. C2007-221, and the terms and conditions contained in Contract No. C2007-221 and all exhibits attached to the Contract and to this Job Order No. 4 are hereby this reference incorporated into this Job Order No. 4. All provisions of the underlying Contract where not inconsistent with this Job Order No. 4 shall remain binding on the parties.

ARTICLE IV – CONTRACT TERM: Work shall start as soon as practicable, and in no case later than seven (7) calendar days after the Notice to Proceed is issued by the City, and shall be completed within forty five (45) calendar days thereafter.

[SIGNATURE PAGE FOLLOWS]

Elliot Road Roadway Milling and Rubberized Asphalt Overlay (McClintock Drive to Price Road) and Rural Road Roadway Milling and Rubberized Asphalt Overlay (150 feet south of Guadalupe Road to WSR Canal)
Project No. 5409071

The JOC Contractor warrants that the person who is signing this Job Order on behalf of the JOC Contractor is authorized to do so and to execute all other documents necessary to carry out the terms of this Job Order.

DATED this _____ day of _____, 2008.

CITY OF TEMPE, ARIZONA

By: _____
Mayor

By: _____
Public Works Manager

ATTEST:

Recommended by:

City Clerk

Am _____
Deputy PW Manager/City Engineer

APPROVED AS TO FORM:

City Attorney

DATED: this _____ day of _____, 2008.

J. BANICKI CONSTRUCTION

By: _____
Name

Its: _____
Title

Federal I.D. No. /Social Security No.

Certified to be a true and exact copy.

Karen M. Fillmore
Records Specialist